

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIAALPHONSO RAMON CLARK,
Plaintiff,

v.

DR. MOLLY BROWN, et al.,
Defendants.

Case No. 21-cv-09230 BLF (PR)

**ORDER GRANTING REQUEST
FOR VOLUNTARY DISMISSAL**

(Docket No. 7)

Plaintiff, proceeding *pro se*, filed a civil rights action pursuant to 42 U.S.C. § 1983. Dkt. No. 1. On April 5, 2022, the Court dismissed the complaint with leave to amend. Dkt. No. 3. On May 9, 2022, the Court granted Plaintiff's motion for an extension of time. Dkt. Nos. 5, 6.

On May 13, 2022, Plaintiff filed a single page document with the caption, "Motion to dismiss without prejudice." Dkt. No. 7. The Court construes this document as a request for voluntary dismissal. A plaintiff has the absolute right to dismiss his or her action by filing a notice of dismissal "at any time before service by the adverse party of an answer or of a motion for summary judgment." Fed. R. Civ. P. 41(a)(1)(i). Said dismissal may be with or without prejudice, but unless plaintiff's notice of dismissal states otherwise, it is


1 deemed to be “without prejudice.” *See* Fed. R. Civ. P. 41(a)(1); *Humphreys v. United*
2 *States*, 272 F.2d 411, 412 (9th Cir. 1959).

3 Based on the foregoing, Plaintiff’s request for voluntary dismissal is **GRANTED**.
4 *Id.* This action is **DISMISSED** without prejudice. The Clerk shall terminate all pending
5 motions and close the file.

6 This order terminates Docket No. 7.

7 **IT IS SO ORDERED.**

8 Dated: May 18, 2022


BETH LABSON FREEMAN
United States District Judge

United States District Court
Northern District of California

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